

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.606(b) of the
Commission's Rules, TV Table of Allotments,
to allot Channel 36 to Tooele, Utah

MM Docket No. _____

RM No. _____

To: Chief, Allocations Branch

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PETITION FOR RULEMAKING

Tooele 36, L.L.C. ("Tooele 36"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to institute a rulemaking proceeding for the purpose of amending the TV Table of Allotments to allot Channel 36 to Tooele, Utah, as that community's first local television service. Tooele 36 proposes to amend Section 73.606(b) of the Commission's rules as follows:

Channel No.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Tooele, Utah	- - -	36

No change in the existing allotments is requested. In support of this request, the following is stated:

The city of Tooele, Utah, is an incorporated community with a 1990 U.S. Census population of 13,887. Tooele is the county seat of Tooele County. It has its own post office and zip code, and is served by at least one bank and hospital.

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As demonstrated in the attached engineering exhibit, the proposed site meets the minimum distance separation requirements with respect to all known licenses, construction permits, open allotments, pending applications, and pending rulemakings.

As stated above, the allotment of Channel 36 will provide Tooele with a first local television service, which will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various States and communities. 47 U.S.C. §307(b). See National Broadcasting Co. v. U.S., 319 U.S. 190, 217 (1943) (describing goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States); FCC v. Allentown Broadcasting Co., 349 U.S. 358, 359-62 (1955) (describing goal of Section 307(b) to "secure local means of expression"). In addition, the proposed allotment will promote the second television allotment priority established in the Sixth Report and Order in Docket Nos. 8736 and 8975, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station. The proposed allotment also will permit an additional network to serve the Salt Lake City television market. Therefore, the allotment will serve the public interest.

Contemporaneously herewith, the petitioner is filing an application for a construction permit for the new facility contingent upon the grant of the proposed allotment. In the event its application is granted, the petitioner will promptly construct the new facility.

WHEREFORE, in light of the foregoing, Tooele 36, L.L.C. respectfully requests the Commission to GRANT this petition for rulemaking, AMEND the TV Table of Allotments, and ALLOT Channel 36 to Tooele, Utah, as that community's first local television service.

Respectfully submitted,

TOOELE 36, L.L.C.

By: 

Vincent J. Curtis
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Rosslyn, Virginia 22209
(703/812-0400)

July 23, 1996

WES, INC.
5925 CROMO DR.
EL PASO, TX 79912

915-581-0306

ENGINEERING EXHIBIT RM:

For Tooele UT
CH 36

JULY 20, 1996

ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE TV TABLE OF ASSIGNMENTS

WES, INC.

DECLARATION

I, Pete E.M. Warren III, declare and state that I am a Certified Engineer, Class I, Senior, with Master Endorsement radiating and non-radiating, by The national association of radio and Telecommunications Engineers, Inc., and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES, Inc., and that the firm has been retained to prepare an engineering statement in support of a Petition to Amend the TV Table of Assignments

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E. M. Warren III

Executed on the 20th day of July, 1996

WES, INC.

Narrative Statement

I. GENERAL

The purpose of this engineering statement is to support a request that the TV Table of Assignments be amended to add Ch. 36 at Tooele, UT. The proposed channel has no short-spacing as can be seen by the channel spacing study. A contingent application will be submitted.

It should be noted that the area in question is not within 320 kilometers (200 miles) of a US Border and, therefore, foreign concurrence is not required.

II. ENGINEERING DISCUSSION

A. Proposed Site:

We propose a site located at the following coordinates:

Latitude: 40 32 0

Longitude: 112 20 0

The allocation may be within a wide area.

B. Channel Allocation Study:

Exhibit 1 is a Channel Allocation Study of Ch. 36. The study indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Allocations, and pending Rule Makings

Exhibit 2 is a map of the resulting arcs indicating minimum separation and showing area to locate.

C. Public Interest Showing:


1. This would be the first allotment to Tooele, UT. The petitioner believes that the requested channel addition is in the Public Interest and, therefore, should be granted by the Commission.

2. An additional station in the area would allow for carriage of a fifth network.

III. SUMMARY

Petitioner requests that the TV Table of Assignments be amended as follows:

CITY	PRESENT	PROPOSED
Tooele, UT	None	360



Pete E. M. Warren III

July 20, 1996

TV CHANNEL SPACING STUDY

Job title: TOOELE UT

Latitude: 40 32 0

Channel: 36

Longitude: 112 20 0

Database file name: c:\tvsrc\tv960705.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
32o	ALLOTM	9816	PROVO	UT	2		120.0	66.4	31.4	35.0
32o	NEW	9817	PROVO	UT	2	A	129.5	43.7	31.4	12.3
32o	NEW	9818	PROVO	UT	2	A	121.4	64.4	31.4	33.0
32o	NEW	9819	PROVO	UT	2	A	138.8	65.6	31.4	34.2
32o	NEW	9820	PROVO	UT	2	A	129.5	43.7	31.4	12.3
32o	NEW	9821	PROVO	UT	2	A	129.5	43.7	31.4	12.3
32o	NEW	9822	PROVO	UT	2	A	129.0	43.1	31.4	11.7
32o	NEW	9823	PROVO	UT	2	A	129.5	43.7	31.4	12.3
32o	NEW	9824	PROVO	UT	2	A	129.5	43.7	31.4	12.3
32o	NEW	9825	PROVO	UT	2	A	129.5	43.7	31.4	12.3
32o	NEW	9826	PROVO	UT	2	A	129.5	43.7	31.4	12.3
32o	NEW	9827	PROVO	UT	2	A	129.6	43.7	31.4	12.3
32o	NEW	9828	PROVO	UT	2	A	138.5	65.8	31.4	34.4
32o	NEW	9829	PROVO	UT	2	A	129.6	43.9	31.4	12.5
22o	ALLOTM	9879	LOGAN	UT	2		17.2	139.8	95.7	44.1

***** End of channel 36 study *****